

06.06.2023
Court No. 19
Item No.35
CP

C.O. 1289 of 2023

Sri Sumit De
Vs.
Smt. Gita De & ors.

Mr. Santu Nandy

....for the petitioner.

The petitioner is the plaintiff in Title Suit No. 262 of 2013 which is pending before the learned Civil Judge (Senior Division), 2nd Court, Barasat. The petitioner has filed this revisional application seeking expeditious disposal of three interlocutory applications, i.e., one under Order 1 Rule 10(2), an application under Order 6 Rule 17 and an application under Section 151 of the Code of Civil Procedure.

It is further submitted that a Misc. Case being Misc. Case No. 26 of 2023 under Order 39 Rule 2A is also pending in which the petitioner had alleged violation of the order of status quo.

The civil suit is pending since 2013. As the prayer of the petitioner is innocuous and the petitioner seeks expeditious disposal of the pending applications and the civil suit, an order of expeditious disposal shall enure to the benefit of the

parties and, hence, there is no requirement for service of notice upon the opposite parties.

The revisional application is disposed of with a direction upon the learned Civil Judge (Senior Division), 2nd Court, Barasat to dispose of the pending applications and the Misc. Case in Title Suit No. 262 of 2013 within a period of six months from the next date fixed.

After the disposal of the said applications and the Misc. Case, sincere endeavour shall be made by the learned court below to dispose of the pending suit within a year thereafter.

This court has neither gone into the merits of the applications filed nor into the merits of the suit. The learned court below shall act and proceed independently and strictly in accordance with law.

Let a copy of the revisional application along with the server copy of this order be served upon all the opposite parties within a week.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)